

Appl. No. : 10/500,087
Filed : September 13, 2004

REMARKS

Claims 1-5, 8, and 10-24 are pending in this application. No amendment has been made to the claims in this response. Applicant respectfully requests reconsideration of the application in view of the following remarks.

Rejection on Ground of Nonstatutory Obviousness-type Double Patenting

Claims 1-5, 8, 10-24 have been rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-13 of U.S. Patent No. 6,929,845. Applicant herewith submits a terminal disclaimer in compliance with 37 C.F.R. § 1.321(c), thereby obviating this rejection

Provisional Rejection on Ground of Nonstatutory Obviousness-type Double Patenting

Claims 1-5, 8, 10-24 have been provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-8 of copending Application No. 10/381,228. Applicant herewith submits a terminal disclaimer in compliance with 37 C.F.R. § 1.321(c), thereby obviating this rejection.

In the above, the filing of the terminal disclaimer “simply serves the statutory function of removing the rejection of double patenting, and raises neither a presumption nor estoppel on the merits of the rejection.” *Quad Environmental Technologies Corp. v. Union Sanitary District*, 946 F.2d 870, 20 USPQ2d 1392 (Fed. Cir. 1991).

CONCLUSION

In light of the foregoing Remarks, it is respectfully submitted that the present application is in condition for allowance. Should the Examiner have any remaining concerns which might prevent the prompt allowance of the application, the Examiner is respectfully invited to contact the undersigned at the telephone number appearing below.

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Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: November 20, 2006

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